

## **Minutes Tempe Fire Public Safety Personnel Retirement System Board April 5, 2018**

Minutes of the Tempe Fire Public Safety Personnel Retirement System Board meeting, held on Thursday, April 5, 2018, 2:00 p.m., in Tempe City Hall, Third Floor Conference Room, 31 E. 5<sup>th</sup> Street, Tempe, Arizona.

**Board Members Present:**

Steven Methvin  
James Foley  
Bill Goodman  
Don Jongewaard  
Mike Scheidt

**Board Members Absent:**

None

**City Staff Present:**

Renie Broderick, Internal Services Director  
Wendy Messina, HR Analyst  
Susan Buck, Executive Assistant

**Legal Counsel Present:**

David Niederdeppe

*Chair Steven Methvin called the meeting to order at 2:42 p.m.*

**ITEM I – Consideration of Meeting Minutes:**

Motion by Mike Scheidt to approve the January 4, 2018 Board Meeting Minutes; second by Don Jongewaard. Motion passed on a voice vote 5-0.

**ITEM II - Public Appearances:**

There were no public appearances.

**ITEM III - Motion to Adjourn to Executive Session, if necessary:**

There was no executive session held.

**ITEM IV – Application to Enter the Deferred Retirement Option Plan (DROP) Program:**

Motion by Don Jongewaard to approve the applications to enter DROP of Robin R. Driscoll, Holly A. Levandowski and Hans W. Silberschlag; second by Mike Scheidt. Motion passed on a voice vote 5-0.

**ITEM V – Application for Death Benefit – the Estate of Frank J. Reed, Nancy Reale as Personal Representative:**

HR Analyst Wendy Messina stated that Ms. Nancy Reale submitted an application to the Board on behalf of the Estate of Frank J. Reed for a death benefit. Ms. Messina clarified that per the information submitted to the Board, Ms. Reale was not married to Mr. Reed and there were no eligible children. Ms. Messina noted that subsequent to her application, Ms. Reale submitted a letter to the Board requesting a monthly pension benefit as a spouse; however, in order to receive that benefit, the state statute requires a marriage certificate. Board Legal Counsel David Niederdeppe noted that there is no provision in the statute for survivor's benefits for someone who is not a spouse; since there was no beneficiary designation, the personal representative of the estate can

request the employee's contributions be paid out to the estate (as a lump sum). The Board generally discussed the statute. Chair Steven Methvin asked Ms. Reale if she would like to address the Board. Ms. Reale indicated that she was aware of the statute, but noted that she was a dependent of Mr. Reed, who fully supported her as evidenced by the information she provided to the Board. Mr. Niederdeppe noted that under the statute child benefits can be paid to a child dependent, but there is no provision in the PSPRS statute for a domestic partner dependent. The Board generally discussed the legal requirements, additionally noting that Arizona is not a common-law state. Mr. Niederdeppe indicated that under the statute there is not an option for a continuing, monthly benefit in this situation. Ms. Messina noted that the death benefit is a refund of Mr. Reed's contributions paid into the system; it does not include the City contributions. Ms. Reale again addressed the Board, stating that she just wanted to take this opportunity to request what she thinks that Mr. Reed would have wanted for her. Chair Methvin expressed the Board's condolences for Mr. Reed's passing. Boardmember Don Jongewaard noted that the only option open to the Board is to grant the application for the death benefit as stated in statute; Ms. Reale would need to pursue any other options via legal action outside of the Board's scope. The Board generally discussed the term "dependent". Mr. Niederdeppe stated that the legislature determines who is entitled to benefits; the Local Board does not have the ability to change what the statute says. Motion by Don Jongewaard to approve the application for death benefit by the **Estate of Frank J. Reed - Nancy Reale as Personal Representative**; second by Bill Goodman. Motion passed on a voice vote 5-0.

**ITEM VI – PSPRS Newsletter – 1<sup>st</sup> Quarter 2018:**

Local Board Secretary Renie Broderick noted this information was included in the Board meeting packet. There was no further discussion on this item.

**ITEM VII – Board Expenditures – 4<sup>th</sup> Quarter 2017**

Ms. Broderick noted this information was included in the Board meeting packet. There was no further discussion on this item.

**Future Meeting Date:**

The next meeting is May 3, 2018.

**ITEM VIII – Future Agenda Items:**

There were no future agenda items.

**Adjournment**

Motion to adjourn by Don Jongewaard; second by Bill Goodman. Motion passed 5-0 on a voice vote. The meeting adjourned at 2:56 p.m.



Jon O'Connor  
Acting Local Board Secretary